

Senate Joint Resolution

No. 8

Introduced by Senator Corbett

May 19, 2009

Senate Joint Resolution No. 8—Relative to electronic cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

SJR 8, as amended, Corbett. Electronic cigarettes.

This measure would request that the federal Food and Drug Administration (*FDA*) prohibit all sales of electronic cigarettes until ~~they have been found by FDA to be safe~~ *the FDA has found them to be safe*.

Fiscal committee: no.

1 WHEREAS, The chemical nicotine is classified as a drug due
2 to its stimulative, sedative, and addictive qualities; and

3 WHEREAS, More ~~that~~ *than* 90 percent of smokers who seek
4 to quit their addiction to nicotine fail, most relapsing within one
5 week; and

6 WHEREAS, Extended exposure to nicotine results in tolerance,
7 requiring escalating doses of the drug to receive the desired
8 stimulation; and

9 WHEREAS, Withdrawal symptoms from nicotine include
10 cognitive and attention defects, cravings, inability to sleep, and
11 sleep disturbance; and

12 WHEREAS, An unregulated product called electronic cigarettes
13 is currently being marketed as a smokeless alternative to traditional
14 cigarettes; and

1 WHEREAS, Electronic cigarettes are rechargeable, battery
2 operated drug delivery devices that look similar to cigarettes and
3 allow the user to inhale a smokeless vapor often containing
4 nicotine; and

5 WHEREAS, Electronic cigarette producers market their product
6 to children by utilizing shopping mall kiosks and locations
7 frequented by children; and

8 WHEREAS, These marketing efforts are similar to previous
9 attempts to entice children to use nicotine products. Previous
10 campaigns have included products such as cigarette candy and
11 advertisements with cartoon characters and flashy packaging; and

12 WHEREAS, Studies show a correlation between children who
13 used cigarette candy and adults who are current or former smokers;
14 and

15 WHEREAS, The federal Food and Drug Administration has
16 previously banned nicotine lollipops and *nicotine* lip balm; and

17 WHEREAS, A study published in the Journal of the National
18 Cancer Institute found that teens were more likely to be influenced
19 to smoke by cigarette marketing than by peer pressure. Similarly,
20 a study published in the Journal of the American Medical
21 Association found that as much as one-third of underage
22 experimentation with smoking was attributable to tobacco company
23 marketing efforts; and

24 WHEREAS, Electronic cigarettes may increase the number of
25 young smokers; and

26 WHEREAS, According to the National Survey on Drug Use
27 and Health, over 3,600 people under the age of 18 ~~18 years of age~~
28 begin smoking daily, 1,100 of whom will become regular smokers.
29 One-third of these young smokers will die of smoking-related
30 illnesses; and

31 WHEREAS, It is in the best interest of California to protect
32 children from these products; now, therefore, be it

33 *Resolved by the Senate and the Assembly of the State of*
34 *California, jointly*, That the Legislature calls upon local, state, and
35 federal governments to find ways to prevent the use of nicotine
36 products by children; and be it further

37 *Resolved*, That the Legislature requests that the federal Food
38 and Drug Administration (FDA), which has jurisdiction over the
39 regulation of nicotine products, prohibit all sales of electronic

1 cigarettes until ~~they have been found by that FDA to be safe~~ *the*
2 *FDA has found them to be safe*; and be it further
3 *Resolved*, That the Secretary of the Senate transmit copies of
4 this resolution to the President and Vice President of the United
5 States, to the President pro Tempore of the United States Senate,
6 to the Speaker of the House of Representatives, to each Senator
7 and Representative from California in the Congress of the United
8 States, to the Commissioner of the United States Food and Drug
9 Administration, and to the author for appropriate distribution.

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